

UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

December 3, 1998

UNITED STATES OF AMERICA,	)	8 U.S.C. § 1324a Proceeding
Complainant,	)	
	)	OCAHO Case No. 99A00007
v.	)	
	)	
MIGUEL SANCHEZ-MONTEJANO, SR.	)	
AND MIGUEL SANCHEZ, JR. DBA	)	
EL NORTE MEXICAN FOOD	)	
PRODUCTS,	)	
Respondent	)	
_____	)	

FINAL DECISION AND ORDER  
GRANTING JOINT MOTION TO DISMISS

This is an action arising under the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324a (INA), in which the United States Immigration and Naturalization Service (INS) is the Complainant and Miguel Sanchez-Montejano, Sr. and Miguel Sanchez, Jr. doing business as El Norte Mexican Food Products, are the respondents. On October 27, 1998, INS filed a complaint consisting of three counts with the Office of the Chief Administrative Hearing Officer (OCAHO). On November 30, 1998, the parties filed a Joint Motion to Dismiss, along with a Settlement Agreement containing consent findings signed by both parties which agreement and findings resolve all issues in the Complaint.

Under § 68.14(a) of the OCAHO Rules of Practice and Procedure<sup>1</sup>:

- (a) Where the parties or their authorized representatives or their counsel have entered into a proposed settlement agreement, they shall:

- (1) Submit to the presiding Administrative Law Judge:  
(I) The proposed agreement containing consent findings; and  
(ii) A proposed decision and order;

or (emphasis added)

- (2) Notify the Administrative Law Judge that the parties have reached a full

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<sup>1</sup> Rules of Practice and Procedure for Administrative Hearings, 28 C.F.R. Pt. 68 (1997).

settlement and have agreed to dismissal of the action. Dismissal of the action shall be subject to the approval of the Administrative Law Judge. 28 C.F.R. § 68.14.

In this case, I find that the parties have complied with the requirements of 28 C.F.R. § 68.14(a)(1). I have reviewed the Settlement Agreement, and find that its terms are appropriate pursuant to 28 C.F.R. § 68.14(a) in timeliness, form, and structure, and its findings and conclusions are approved in their entirety by reference as set forth herein at length.

It is therefore ordered under the terms of the agreement and pursuant to 28 C.F.R. § 68.14(b):

1. That the respondents cease and desist from any further violations of the Immigration and Nationality Act, and pay a civil money penalty in the sum of FIVE THOUSAND DOLLARS (\$5,000.00) for the violations set out in Counts I through III of the Notice of Intent to Fine and Complaint, payment to be made in accordance with the schedule set out in the Settlement Agreement.

2. That each party bear its own attorney fees, other expenses, and costs incurred by such party in connection with any stage of these proceedings.

3. That this Decision and Order shall have the same force and effect as a Decision and Order made after a full administrative hearing.

4. That the entire record on which this Decision and Order shall be based shall consist solely of the Complaint, the Notice of Hearing, a Motion to Withdraw, the Joint Motion to Dismiss, and the Settlement Agreement.

5. That the parties hereto have waived any further procedural steps before the Administrative Law Judge and OCAHO.

6. That the parties hereto have waived any right to challenge or contest the validity of this Decision and Order in accordance with the Settlement Agreement.

7. That any hearing previously scheduled is hereby canceled.

8. That as provided in 28 C.F.R. Part 68, this Decision and Order shall become the Order

of the Attorney General unless within thirty (30) days from this date the Chief Administrative Hearing Officer shall have modified or vacated it.

SO ORDERED.

Dated and entered this 3<sup>rd</sup> day of December, 1998.

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Ellen K. Thomas  
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 3<sup>rd</sup> day of December, 1998, I have served copies of the foregoing Final Decision and Order Granting Joint Motion to Dismiss on the following individuals at the addresses indicated:

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